

REMARKS

Attached please find Applicant's response to the Office Action dated May 19, 2005. Claims 7-8, 13-18, 25-26 and 30-31 remain in the application. Claims 7, 13, 16, 17 and 25 have been amended. Claims 40-57 have been added.

New Claims

Claims 40-57 have been added to emphasize aspects of the invention defining the in-store kiosk in details with respect to its location, connectivity, and interactive characteristics with end users. All added independent claims and dependent claims are at least supported by Figures 2 to 4, 6b, 7 to 9, 11 and 12.

Independent claim 40 discloses a plurality of in-store kiosks "located across different geographic locations", each possessing the elements of "a wireless network interface...", "a multimedia drive having inside physically replaceable multimedia having stored thereon full motion video content," "a storage memory ... containing at least questions to collect personal information from users," "an overlay unit ... to overlay the remotely changeable data content onto the full motion video content...", "buttons along the sides of the active screen...", and "a central server coupled to the plurality of in-store kiosks via the network to periodically receive uploaded data from each of the plurality of in-store kiosks" including "a local directory structure, storing different information for transmission to different ones of the plurality of in-store kiosks," and "a database ... storing only the uploaded data from the plurality of in-store kiosks."

Independent claim 46 discloses a method to distribute information using the in-store kiosks which includes "storing markup language content in a plurality of directories ... corresponding to a plurality of in-store kiosks," "downloading the markup language content and configuration ... wherein each of the plurality of in-store kiosks has an active screen display and is located near a point of purchase in a different store at a different

location,” “retrieving video content from a DVD played in a DVD drive in each of the plurality of in-store kiosks,” and “integrating the markup language content with the video content using an overlay unit to form dynamic advertising information and changeable promotional offers displayed on the active screen of each of the plurality of in-store kiosks.”

Independent claim 52 discloses a method to collect information using the in-store kiosks which includes “prompting the end users with dynamic, programmed questions after they initiate interaction with each of the plurality of in-store kiosks,” “storing responses entered ... through at least one of a keyboard, buttons, and microphone,” “uploading usage statistics collected that are stored in each of the plurality of in-store kiosks to the central server via the network,” and “storing the usage statistics uploaded from each of the plurality of in-store kiosks in a central database in the central server for data mining purposes.”

Independent claim 57 discloses an apparatus comprising “a plurality of devices ... to provide integrated multimedia product and sales promotion presentations ...,” including “a multimedia drive having inside physically replaceable multimedia having stored thereon full motion video content regarding products being sold in the retail store,” “a storage memory... having stored therein remotely changeable data content received over the network regarding latest product and sales promotion information for products being sold in the retail stores,” “an overlay unit ... to combine full motion video content and the remotely changeable data content,” “a card swipe to receive end-user information from a membership club card,” and “a server coupled to each of the plurality of devices through the network to selectively distribute up-to-date versions of the remotely changeable data based on store specific needs.”

**Claims 7 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Butler et al. (US Publication No. 2002/0007493)**

Independent claims 7 and 25:

Amended independent claims 7 and 25 contain the element of “storing markup language content in a server retrieved from a remote location; downloading the markup language content and configuration data into an over a wireless network into at least one device having an active screen, wherein the device is an in-store kiosk, the device integrates the markup language content with video content being retrieved by a Digital Versatile Disc (DVD) drive; and uploading system data periodically from the at least one device to the server.” (Emphasis added).

Butler discloses a video broadcast system that “includes a broadcast source that broadcasts a video stream and provides accompanying supplemental data files.” (Abstract). “Each supplemental data file is an HTML file having instructions for rendering a hyperlink overlay on the video stream.” (Abstract). Butler fails to teach or suggest the limitation of “uploading system data periodically from the at least one device to the server.” Ludtke discloses “a data collection system for use with a home AV network.” (Abstract) (Emphasis added). In combination, Butler and Ludtke are directed towards broadcasting HTML content corresponding to video streams from a remote location for in-home use. The claims, as amended, have the limitations of “in-store kiosks” available to end-users who are physically in the stores, connected over a wireless network to a server for downloading markup language content which the device integrates with on board DVD content as well as uploading system data.

Dependent Claims 8 and 26:

Claims 8 and 26 are dependent on claims 7 and 25 respectively and thus incorporate the limitations thereof. For at least this reason, they are also patentable.

Claims 13-17 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. in view of Abrall (US Patent No. 6,401,202) and Nishio et al. (US Patent No. 5,557,317) and Ludtke et al. (US Patent No. 6,202,210).

Independent claims 13 and 17

Amended independent claims 13 and 17 contain the elements of “the plurality of devices are in-store kiosks” and the server comprises “a plurality of directories to separate files according to different ones of the plurality of devices and their physical locations, each of the plurality of directories having at least one file that includes data content, wherein each directory is associated with one of a plurality of devices and the server to transmit the at least one file from that individual directory to the associated device.” (emphasis added)

Butler also describes “Hyperlink overlays can be provided in groups corresponding to a particular video stream, allowing navigation among various individual overlays of the group.” (paragraph 0047) (Emphasis added). The Office Action (dated 05/19/05) incorporated a previous Office Action (dated 04/05/04) claiming that the above cited reference in Butler meets the original limitation of “a local directory structure...” Applicant respectfully disagrees because the original limitation states that the file in the directory corresponds to the device, “the server to transmit the at least one file from the at least one directory to the associated at least one device.” As such, Butler associates the hyperlink overlays to the video streams or content of the broadcasts rather than the physical locations and the individual machines. Applicant has amended claims 13 and 17 to clarify this point by including the limitation of “a local directory structure that includes a plurality of directories to separate files according to different ones of the plurality of devices and their physical locations each of the plurality of directories, having at least one

file that includes data content, wherein each directory is associated with one of a plurality of devices, and the server to transmit the at least one file from that directory to the associated device.” (emphasis added). This amendment is supported in the specification which states that “In particular, because different devices may have different data content and/or configuration data, this directory structure enables the segregation of such content between the different devices.” (page 19, lines 2-4) (emphasis added). As such, Butler fails to teach or suggest the above quoted limitations.

Abgrall discloses a method and apparatus to perform multitasking during BIOS bootup. Abgrall’s disclosure relates to establishing the identity of a computer (to the server) that is connected to a network and server when a computer is initially started up by a user. The Office Action (dated 05/19/05) cited a passage from Abgrall at Col. 9, line 44 as a basis of rejection, but Applicant was unable to discern any description immediate to Col. 9, line 44 that relates to the Office Action’s argument. Rather, the Applicant assumes the Office Action refers to Col. 9, lines 61-67 in which the rejection and arguments are based. In response to the Office Action (05/19/05) which states that “the local directory structure is the database associated with server, therefore, a directory is maintained at a server, being hardware profiles, user preferences, which was retrieved from the device, upon matching information with the database and to provide the results to the user in view thereof.” (Office Action, 05/19/05, page 3). Applicant submits that the “database” in the claims includes data retrieved from the “plurality of in-store kiosk”, while the “local directory structure” contains data retrieved from a “remote location” which is to be downloaded onto the “plurality of in-store kiosk”. This is supported by the passage in the specification from page 20, line 26 to page 21, line 13 with an emphasis to “Browser application 638 then sets up a network connection and uploads data from storage memory 506 into database 704 of server 204” (page 21, lines 11-13). Therefore, the local directory is not the same as the database and does not maintain data retrieved from the device. As such, Abgrall does not teach or suggest the above quoted limitations.

Nishio also does not cure the deficiencies in Butler and Abgrall. Therefore, the Applicant respectfully submits that the combination of Butler, Abgrall, and Nishio still do not teach or suggest the invention in claims 13 and 17.

Dependent claims 14-16, 18, 30-31

Dependent claims 14-16 and 31 depend on claim 13 and claims 18 and 30 depend on claim 17. For at least these reasons, claims 14-16, 18, and 30-31 are patentable.

CONCLUSION

Applicant respectfully submits that the rejections have been overcome by the remarks, and that the Claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims be allowed.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 8/18, 2005



Daniel M. De Vos
Reg. No. 37,813

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300